

MIDDLE DISTRICT OF ALABAMA

MONTGOMERY, ALABAMA

AFFIDAVIT

I, the undersigned affiant, being duly sworn and deposed, state the following is true and correct to the best of my knowledge and belief. My name is Tyler McCurdy and I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for two years.

At 1:30 am on Wednesday, March 1, 2006, the FBI received notification of the extortionate kidnaping of F. P. L. that occurred in the evening of February 28, 2006. Agents from the FBI responded with the Montgomery Police Department.

The kidnaping was reported by Telesforo Perez Lopez (victim's brother) and his roommate, Alejandro Sales Hernandez. On or about February 18, 2006, Telesforo Lopez received a telephone call from F. P. L., who advised that he had arranged for transportation from Arizona to Montgomery, Alabama with a Latino male known as David. The fee was set at \$2,200. On the evening of February 28, 2006, Hernandez (acting on behalf of Telesforo Lopez) arranged to meet David at a gas station in Montgomery, AL for payment and delivery of the victim. At 7:30 pm, Hernandez went to the gas station and made contact with David. David, a Hispanic male, was sitting in the passenger side of a grey Ford Windstar minivan, Arizona license plate number C7500. The driver of the van was another Hispanic male; F. P. L. was in the back of the van. David then demanded \$3,000 from Hernandez (which was \$800 more than previously agreed upon for the victim's transportation). Because Hernandez did not have the additional money, David and the other Hispanic male left the gas station with the victim. In subsequent telephone calls to the victim's brother, David demanded \$6,000 to return the victim the next day. David then

1 stated that if he was not paid the \$6,000, he would kill the victim.

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3 On March 1, 2006, at approximately 2:30 p.m., Telesforo Lopez received a
4 telephone call from cellular telephone number (602)400-7838. F. P. L. came on the phone
5 and spoke to his brother in his native indigenous dialect. According to Lopez, F. P. L. was
6 crying and scared. Lopez then spoke with one of the kidnappers, who advised that they had
7 not hurt his brother and were not going to hurt him. The individual advised that he would
8 detain F. P. L. in Phoenix until he received a payment via Western Union, after which he
9 would bring F. P. L. back for an additional sum to be paid upon delivery. The individual
10 would not give Telesforo Lopez an exact amount that he would be required to pay.

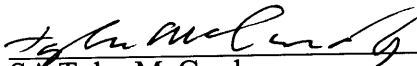
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12 On March 1, 2006, at approximately 4:24 p.m., Telesforo Lopez received a
13 call from cellular telephone number (602) 348-0154. The individual spoke with Lopez and
14 advised him that he should send the money via Western Union to Mexico and they would
15 return his brother the next day. The above telephone conversations were recorded, but have
16 not yet been officially translated.

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18 On March 1, 2006, at approximately 7:30 p.m., central time, FBI
19 Albuquerque and the New Mexico Highway Patrol conducted a vehicle stop on a grey Ford
20 minivan bearing Arizona plate C7500 on Interstate 40, 80 miles west of Albuquerque, New
21 Mexico. The vehicle was occupied by three Hispanic males. One of the individuals
22 identified himself as F. P. L. The other two individuals identified themselves as Benjamin
23 Leyva, date of birth January 22, 1977, 5'7", 150 pounds, black hair brown eyes and Irbin
24 Luna Ortiz, date of birth October 9, 1980, 5'8", 138 pounds, black hair, brown eyes. A
25 search of the vehicle was conducted for officer safety and the following items were visible
26 in plain view: a map, a large stack of U.S. currency, calling cards, two cellular telephones,
27 and a black bag containing duct tape and scissors. The cellular telephones were found to be
28 assigned to telephone numbers 602-400-7838 and 602-348-0154. Both Leyva and Ortiz

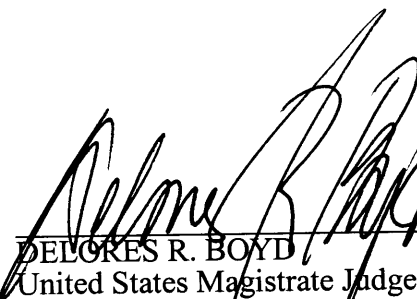
1 were found with large amounts of U.S. currency in their shoes.

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3 Photographs of the individuals were shown to Hernandez and Telesforo
4 Lopez. Hernandez positively identified one of the Hispanic males as the person he met at
5 the gas station. Lopez identified a photograph of one of the other individuals as his brother,
6 F. P. L.

7
8 F. P. L. was found to be extremely dirty and un-bathed. F. P. L. appeared
9 fearful of the other two individuals. After being interviewed, F. P. L. advised that he
10 crossed illegally into the United States approximately 15 days ago. F. P. L. arranged with
11 Leyva and Ortiz to take him to Montgomery for \$2,200. Lopez and Leyva then took him
12 out of Montgomery and the State of Alabama against his will.

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16 SA Tyler McCurdy
17 Special Agent
18 Federal Bureau of Investigation
19 Montgomery, Alabama

20 Subscribed and sworn to before
21 me this 2nd day of March, 2006.

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23 DELORES R. BOYD
24 United States Magistrate Judge
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